

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

PUBLIC HEARING

ON

NOTICE OF PROPOSED NPDES GENERAL PERMIT;  
PROPOSED NPDES GENERAL PERMIT FOR NEW AND EXISTING SOURCES  
AND NEW DISCHARGERS IN THE OFFSHORE SUBCATEGORY OF  
THE OIL AND GAS EXTRACTION CATEGORY FOR THE WESTERN  
PORTION OF THE OUTER CONTINENTAL SHELF OF  
THE GULF OF MEXICO (GMG290000)

Marriott-South Hobby Airport  
9100 Gulf Freeway  
Houston, Texas

Tuesday,  
June 20, 2017  
7:43 p.m.

BEFORE: JAY PRZYBORSKI, Esquire  
Hearing Officer

Also present on behalf of EPA:

BRENT E. LARSEN  
STACY DWYER  
ISAAC CHEN  
EVELYN ROSBOROUGH

ON THE RECORD REPORTING  
(512) 450-0342

I N D E X

<u>SPEAKER</u>	<u>PAGE</u>
John Pertgen	10

P R O C E E D I N G S

MR. PRZYBORSKI: We're going on the record now.

It is approximately 7:43 p.m. on June 20, 2017, and this public hearing is now in session.

Good evening, ladies and gentlemen, and thank you for coming to the public hearing. My name is Jay Przyborski. I'm an attorney for the Environmental Protection Agency, Region 6, located in Dallas, Texas, and I'm the designated hearing officer for this public hearing.

My responsibility includes fully developing the public hearing record by taking public comment from interested parties concerning EPA's proposed actions. EPA will consider the public hearing record during its decision-making process.

Please note that I do not participate in making the final decision concerning the proposed actions; I merely conduct this hearing.

In addition to me, there are other EPA representatives this afternoon, including Brent Larsen, chief of the Permitting Section of EPA Region 6 in the Division of Water. His section is primarily responsible for preparing the proposed actions that are the subject of this public hearing.

We also have other EPA personnel on hand this

1 evening, including Stacy Dwyer, associate director of the  
2 permits in TMDL's branch; Isaac Chen, permit writer; and  
3 Evelyn Rosborough, who is an environmental protection  
4 specialist, and she's the individual who is outside the  
5 door with the sign-in documents.

6 The purpose of this public hearing is to  
7 provide interested parties the opportunity to present  
8 information and opinions to the Environmental Protection  
9 Agency concerning the proposal to reissue the National  
10 Pollutant Discharge Elimination System general permit for  
11 existing and new sources and new dischargers in the  
12 offshore subcategory of the oil and gas extraction point  
13 source category located in and discharging to the outer  
14 continental shelf offshore of Louisiana and Texas.

15 The discharge of produced water to that portion  
16 of the outer continental shelf from offshore subcategory  
17 facilities located in the territorial seas of Louisiana  
18 and Texas is also authorized by this permit.

19 EPA prepared and published a public notice  
20 regarding these proposed actions and this public hearing  
21 in the *Federal Register* on May 11, 2017, and in the  
22 *Houston Chronicle* and *New Orleans Times-Picayune* on May  
23 19, 2017.

24 The *Federal Register* notices and newspaper  
25 notices inform members of the public of their opportunity

1 to obtain copies of information concerning EPA's proposed  
2 actions, to provide comments on those proposed actions,  
3 and to participate in the public hearing being held today.

4 I would now like to invite Brent Larsen to  
5 provide us with a summary of EPA's proposed actions.

6 MR. LARSEN: Good evening. My name is Brent  
7 Larsen. I'm chief of the Permitting Section, EPA Region  
8 6's Water Division. I'll give a brief overview of the  
9 proposed permitting action that's the subject of tonight's  
10 hearing.

11 EPA Region 6 is proposing to reissue the  
12 National Pollutant Discharge Elimination System, or NPDES,  
13 general permit number GMG290000 for existing and new  
14 sources and new dischargers in the offshore subcategory of  
15 the oil and gas extraction point source category 40 CFR  
16 Part 435 subpart (a), located in and discharging to the  
17 outer continental shelf offshore of Louisiana and Texas.

18 The discharge of produced water to that portion  
19 of the outer continental shelf from offshore subcategory  
20 facilities located in the territorial seas of Louisiana  
21 and Texas is also authorized by this permit.

22 Notice of proposed permit was published in the  
23 *Federal Register* on May 11, 2017, starting a 60-day public  
24 comment period. This draft permit proposes to retain,  
25 with certain modifications, the limitations and conditions

1 of the existing permit issued in 2012.

2 Proposed permit limitations conform with the  
3 oil and gas offshore subcategory guidelines and contain  
4 additional requirements to assess impacts from the  
5 discharge of produced water to the marine environment, as  
6 required by Section 403(c) of the Clean Water Act.

7 Proposed major modifications to the 2012 issued  
8 permit include: (1) require one notice of intent for each  
9 facility; (2) report produced water sheen observations to  
10 the National Response Center; (3) inspect equipment if  
11 produced water sheen observed; (4) add toxicity testing  
12 requirements for pipeline brine discharges; (5) remove  
13 marine sanitary device MSD exception for discharge of  
14 sanitary and domestic waste; (6) add well treatment fluid  
15 characterization study; and (7) delete the produced water  
16 and drilling fluid characterization and the cooling water  
17 intake structure entrainment studies that were completed  
18 during the existing permit, the results of which are  
19 discussed in the fact sheet for the permit.

20 Public meetings and hearings on the proposed  
21 permit were scheduled for June 20, 2017, at the Houston  
22 Marriott South Hobby Airport, 9100 Gulf Freeway, Houston,  
23 Texas, and June 21, 2017, at the Holiday Inn Metairie-New  
24 Orleans Airport, 2261 North Causeway Boulevard, Metairie,  
25 Louisiana.

1           At both locations the public meetings were  
2           scheduled to start at 6:00 p.m., and the public hearings  
3           were scheduled to start at 7:30 p.m.

4           Consistent with a statement in the May 11,  
5           2017, *Federal Register* notice, the public meetings and  
6           public hearings would be held during the comment period,  
7           and details would be announced at a later date. The times  
8           and locations of the public meetings and public hearings  
9           were published in the *Houston Chronicle* and the *New*  
10          *Orleans Times-Picayune* newspapers on May 19, 2017,  
11          providing the required 30-day advance notice for public  
12          hearings.

13          The informal public meeting preceding the  
14          public hearings are not part of the record for the public  
15          hearing. At the public hearings any person may submit  
16          oral or written comments and data concerning the proposed  
17          permit.

18          Any person who cannot attend one of the public  
19          hearings may still submit written comments, which have the  
20          same weight as comments made at the public hearing, by  
21          July 10, 2017.

22          Information on submittal of comments is  
23          available in the *Federal Register* notice announcing the  
24          proposed permit.

25          Thank you.

1 MR. PRZYBORSKI: Now I'll outline the  
2 procedures for this public hearing.

3 The procedures are rather simple and informal;  
4 however, this hearing must be conducted in an orderly  
5 manner that will allow EPA to obtain and record all  
6 relevant and appropriate information related to the  
7 proposed action.

8 Tonight's public hearing is not an evidentiary  
9 hearing or trial. There will be no direct or cross-  
10 examination of witnesses. As hearing officer, I may ask  
11 questions, but only for clarification of the hearing  
12 record. Otherwise, persons making comments will not be  
13 questioned.

14 This is not a forum for debate or argumentative  
15 exchanges but rather one for the gathering of facts, data,  
16 information, and opinions regarding the proposed action.

17 EPA will respond to questions and issues raised  
18 in the record of tonight's hearing, but those answers will  
19 be in writing in a document known as a responsiveness  
20 summary.

21 EPA personnel will not respond to questions  
22 during the public hearing this evening, but they may  
23 respond to informal questions presented outside the public  
24 hearing record.

25 I will call on persons who have registered to



1 make comments in the order presented on the forms provided  
2 at the registration table. If you've not signed a speaker  
3 registration form and wish to provide comments, please  
4 take a minute to obtain and complete a form provided at  
5 the registration table.

6 When I call upon you to give your comments,  
7 please state your name and, if you're affiliated with or  
8 representing an organization, please identify your  
9 organization.

10 I must obtain a clear, uninterrupted record of  
11 the hearing, so please do not talk while others are giving  
12 their comments. We can only have one person talking at a  
13 time in order for the court reporter to be able to hear  
14 and accurately record the comments provided.

15 As hearing officer for this public hearing, I  
16 may impose time limits on the speakers if the  
17 circumstances warrant. Given the number of people who  
18 have signed up to comment, I'll set a limit of six minutes  
19 per speaker.

20 If your planned comments are rather lengthy, I  
21 recommend that you consider summarizing your comments,  
22 followed by a request to enter your complete statement  
23 into the hearing record.

24 After the public hearing record closes, EPA  
25 will continue to accept written comments. Everyone should

1 note that the public comment period allowing for written  
2 comments will be open till July 10, 2017. Any written  
3 comments should be submitted by the methods prescribed in  
4 EPA's *Federal Register* notice. Written comments will be  
5 considered with the same weight as oral comments.

6 Now we'll begin to take testimony. I don't  
7 have anyone signed up to comment. Though if somebody has  
8 changed their mind and would like to speak, then now is  
9 your time to do so.

10 MR. PERTGEN: Good evening. John Pertgen with  
11 the -- I'm the director of Offshore Technical and  
12 Regulatory Affairs for the International Association of  
13 Drilling Contractors.

14 We wish to thank the EPA for reviewing the  
15 proposed changes to the NPDES general permit prior to this  
16 meeting. IADC plans to prepare and submit our comments in  
17 writing to the docket for the general permit reissuance.

18 Thank you.

19 MR. PRZYBORSKI: Thank you.

20 Would anybody else like to offer testimony at  
21 this time?

22 (No response.)

23 MR. PRZYBORSKI: Okay. Well, we can go off the  
24 record for the time being, until we have any more  
25 speakers, but we will remain here for at least another --

1 well, until, I guess, at least 8:30, to see if any other  
2 individuals show up who'd like to speak. So we can go off  
3 the record now.

4 (Off the record.)

5 MR. PRZYBORSKI: Back on the record. We are  
6 opening the record to close the record.

7 Since there are no additional individuals who'd  
8 like to offer testimony and no further comments or issues  
9 to be addressed, I will conclude this public hearing. It  
10 is now approximately 8:30 p.m. on June 20, 2017, and this  
11 public hearing is hereby closed.

12 (Whereupon, at 8:30 p.m., the hearing was  
13 adjourned.)

C E R T I F I C A T E

IN RE: Public Hearing on Proposed NPDES Permit  
for Outer Continental Shelf

LOCATION: Houston, Texas

DATE: June 20, 2017

I do hereby certify that the foregoing pages,  
numbers 1 through 12, inclusive, are the true, accurate,  
and complete transcript prepared from the verbal recording  
made by electronic recording by Leslie Berridge before the  
U.S. Environmental Protection Agency.

/s/ Laurel H. Stoddard 06/26/2017  
(Transcriber) (Date)

On the Record Reporting  
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